

The Division of Behavioral Health and Recovery
EXTERNAL REVIEW DRAFT RULES
APRIL 26, 2012

Chapter 388-877 WAC

BEHAVIORAL HEALTH SERVICES ADMINISTRATIVE REQUIREMENTS

SECTION ONE—BEHAVIORAL HEALTH SERVICES—PURPOSE AND SCOPE

PROPOSED NEW SECTION

WAC 388-877-0100 Behavioral health services--Purpose and scope. The rules in chapter 388-877 WAC:

- (1) Establish the following for agencies that provide behavioral health services:
 - (a) Licensure and certification requirements.
 - (b) Agency administrative requirements;
 - (c) Agency personnel requirements;
 - (d) Agency clinical policies and procedures.
- (2) Support the specific requirements in chapter 388-806 WAC for chemical dependency, chapter 388-816 WAC for problem and pathological gambling, and chapter 388-865 WAC for mental health.

SECTION TWO—(Reserved for Definitions)

SECTION THREE—BEHAVIORAL HEALTH SERVICES—AGENCY LICENSURE AND CERTIFICATION

PROPOSED NEW SECTION

WAC 388-877-0300 Agency licensure and certification--General information. The department licenses and certifies agencies to provide behavioral health services, subject to the requirements in this chapter, applicable local and state rules, and federal statutes.

- (1) An agency may provide one or any combination of the following behavioral health services:
 - (a) Chemical dependency (refer to chapter 388-805 WAC for specific program requirements).
 - (b) Problem and pathological gambling (refer to chapter 388-816 WAC for specific program requirements).
 - (c) Mental health (refer to chapter 388-865 WAC for specific program requirements).
- (2) An agency currently accredited by a national accreditation agency recognized by and having a current agreement with the department may be eligible for licensing or certification through deeming. See WAC 388-877-0310.

(3) Initial applications and renewal forms for behavioral health agency licensure or certification may be downloaded at www.xxxxxxxxxxxx. Completed application packets, forms, and requests for deeming or other services should be mailed to: Division of Behavioral Health and Recovery, P.O. Box 45320, Olympia, WA 98504-5320.

(4) An agency must report to the department any changes that occur during the initial or renewal licensing or certification process. The department may request a copy of additional disclosure statements or background inquiries if there is reason to believe that offenses specified under RCW 43.43.830 have occurred since the original or renewal application was submitted.

(5) The department may grant an exemption or waiver from compliance with specific licensing and certification requirements in this chapter if the exemption does not violate an existing state, federal, or tribal law.

(a) To request an exemption to a rule in this chapter, the agency must:

(i) Submit the request in writing to the department;

(ii) Assure the exemption request does not jeopardize the safety, health, or treatment of an individual; and

(iii) Assure the exemption request does not impede fair competition of another service agency.

(b) The department approves or denies an exemption request in writing and requires the agency to keep a copy of the decision.

(c) Any exemption or waiver of a specific requirement in this chapter does not waive or exempt items in program specific rules. Appeal rights under WAC 388-877-0370 do not apply to exemption to rule decisions.

(6) The department may assess fees to cover costs incurred due to added licensing or certification activities.

PROPOSED NEW SECTION

WAC 388-877-0305 Agency licensure and certification-- Application. To apply for licensure or certification to provide any behavioral health service, an agency must submit an initial application that is signed by the agency's designated official.

(1) The original application must include the following:

(a) A copy of the agency's master business license that authorizes the organization to do business in Washington state;

(b) A copy of the report of findings from a criminal background check of the administrator and any owner of five percent or more of the organizational assets;

(c) The physical address of any agency-operated facility where behavioral health services will be provided;

(d) A statement assuring the agency meets American Disability Act (ADA) standards and that the facility is appropriate for providing the proposed services;

(e) A copy of the policies and procedures specific to the agency;

(f) A staff roster, including each staff member's credentials under department of health rules for professional standards and licensing if credentials are required for the position;

(g) A copy of a current department of health (DOH) Residential Treatment Facility certificate if the agency is providing chemical dependency residential treatment or mental health residential treatment; and

(h) Payment of associated fees.

(2) The department conducts an on-site review as part of the initial licensing or certification process (see WAC 388-877-0320).

PROPOSED NEW SECTION

WAC 388-877-0310 Agency licensure and certification-- Deeming. (1) The department may deem an agency to be in compliance with state minimum standards for licensure or certification based on the agency being currently accredited by a national accreditation agency recognized by and having a current agreement with the department.

(2) To be considered for deeming, an agency must submit a request to the department signed by the agency's designated official.

(3) Deeming will be in accordance with the established written agreement between the accrediting agency and the department.

(4) A state rule may only be waived through a deeming process consistent with the established written agreement between the accrediting agency and the department.

(5) A state or federal law will not be waived through a deeming process.

(6) An agency operating under a department-issued provisional license or certification is not eligible for deeming.

(7) Any service added to an agency's existing services is considered provisional until the requirements in WAC 388-877-0345 are met and the department approves the service.

PROPOSED NEW SECTION

WAC 388-877-0315 Agency licensure and certification--Renewals. A department-issued license or certification expires twelve months from the date issued. To renew a license or certification, an agency must submit a renewal request signed by the agency's designated official.

(1) The original renewal request must:

(a) Be received by the department before the expiration date of the agency's current license or certification;

(b) Identify the services to be provided; and

(c) Include payment of the specific renewal fee (see WAC 388-877-0365).

(2) The department may place an agency on probationary status for licensure or certification if the agency fails to:

(a) Timely request and submit an annual renewal; or

(b) Pay the required fees.

(3) The department may conduct an on-site review as part of the renewal process (see WAC 388-877-0320).

PROPOSED NEW SECTION

WAC 388-877-0320 Agency licensure and certification--On-site reviews and plans of correction. To obtain and maintain licensure or certification to provide any behavioral health service, each agency is subject to an on-site review to determine if the agency is in compliance with the minimum licensure and certification standards of this chapter.

(1) A department review team representative(s) conducts an entrance

conference with the agency and an on-site review that may include a review of:

- (a) Agency policies and procedures;
- (b) Personnel records;
- (c) Clinical records;
- (d) Facility accessibility requirements;
- (e) The agency's quality improvement plan that demonstrates how the agency evaluates program effectiveness and individual participant satisfaction; and
- (f) Any other information, including the criteria in WAC 388-877-0335 (1) (b), that the department determines to be necessary to confirm compliance with the minimum standards of this chapter.

(2) The department review team representative(s) concludes an on-site review with an exit conference that includes, if applicable:

- (a) A discussion of findings;
- (b) A statement of deficiencies requiring a plan of correction; and
- (c) A plan of correction signed by the agency's designated official and the department review team representative.

(3) The department requires the agency to correct the deficiencies listed on the plan of correction:

(a) By the negotiated time frame agreed upon by the agency and the department review team representative; or

(b) Immediately if the department determines consumer health and safety concerns require immediate corrective action.

PROPOSED NEW SECTION

WAC 388-877-0325 Agency licensure and certification--Approvals and provisional approvals. (1) The department grants an initial or provisional license or certification to an agency when:

(a) The application and agency policy and procedures submitted meet the requirements of WAC 388-877-0305(1);

(b) An on-site review is conducted under WAC 388-877-0320 and the agency corrects any noted deficiencies within the agreed upon time frame; and

(c) The department determines the agency is in compliance with the licensure and certification standards in this chapter. (2) The agency must post the department-issued license or certification in a conspicuous place on the facility's premises, and on the agency's branch site premises, if applicable.

(3) See WAC 388-877-0330 for effective dates of licenses and certifications.

(4) See WAC 388-877-0315 for agency requirements for renewing licensure or certification.

PROPOSED NEW SECTION

WAC 388-877-0330 Agency licensure and certification--Effective dates. An agency's license or certification is effective for twelve months from the date of issuance, subject to the agency's maintaining compliance with the minimum license and certification standards in this chapter.

PROPOSED NEW SECTION

WAC 388-877-0335 Agency licensure and certification--Denials, suspensions, restrictions, and revocations. (1) The department may deny issuing or renewing a license or certification, or suspend, restrict, or revoke an agency's license or certification for any of the following reasons, as applicable:

(a) The agency fails to meet the requirements in this chapter or other applicable state minimum standards or federal laws.

(b) The agency owner or agency administrator:

(i) Had a license or certification issued by the department subsequently denied, suspended, or revoked;

(ii) Was convicted of child abuse or adjudicated as a perpetrator of substantiated child abuse;

(iii) Was convicted of abuse of a vulnerable adult or adjudicated as a perpetrator of substantiated abuse of a vulnerable adult;

(iv) Obtained or attempted to obtain a health provider license, certification, or registration by fraudulent means or misrepresentation;

(v) Committed, permitted, aided or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180;

(vi) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a patient or displayed acts of discrimination;

(vii) Misappropriated patient (individual) property or resources;

(viii) Failed to meet financial obligations or contracted service commitments that affect patient care;

(ix) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;

(x) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:

(A) The submitted application or materials attached; or

(B) Any matter under department investigation.

(xi) Refused to allow the department access for just cause or stated reasons to view records, files, books, or portions of the premises relating to operation of the program;

(xii) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative;

(xiii) Is reported on the List of Excluded Individual/Entities (LEIE) database, as currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in transactions involving certain federal funds (this also applies to any person or business entity named in the agency's application for licensure or certification). The LEIE database is an online searchable database found on the Office of Inspector General, U.S. Department of Health & Human Services website at <http://oig.hhs.gov>. Does not meet criminal background check requirements;

(xv) Fails to provide satisfactory application materials; or

(xvi) Advertises the agency as certified when certification has not been granted, or has been revoked or canceled.

(c) The department determines there is imminent risk to consumer health and safety.

(d) The agency's licensure or certification is in probationary status and the agency fails to correct the noted health and safety deficiencies within the agreed-upon time frames.

(e) The agency voluntarily cancels licensure or certification.

- (f) The agency fails to pay the required license or certification fees.
- (g) The agency changes ownership without notifying the department.
- (h) The agency relocates without notifying the department.
- (2) The department sends a written notice to deny, suspend, revoke, or modify the licensure or certification status (see RCW 43.20A.205) that includes the reason(s) for the decision and the agency's right to appeal a department decision (refer to WAC 388-877-0370).

PROPOSED NEW SECTION

WAC 388-877-0340 Agency licensure and certification--Adding a branch site. To add a branch site, an existing licensed or certified behavioral health agency must notify the department and submit an application that is signed by the agency's designated official.

- (1) The application must include the following:
 - (a) The name of the administrator providing management or supervision of services at the branch site;
 - (b) The physical address of the branch site;
 - (c) A statement assuring the branch site meets American Disability Act (ADA) standards and that the facility is appropriate for providing the proposed services;
 - (d) A written declaration that a current copy of agency policies and procedures is accessible to the branch site and that the policies and procedures have been revised to accommodate the differences in business and clinical practices at that site; and
 - (e) Payment of fees (see WAC 388-877-0365).
- (2) Each nonresident branch facility is subject to an on-site review by the department to determine if the facility is:
 - (a) Substantially as described;
 - (b) Suitable for the purposes intended;
 - (c) Not a personal residence; and
 - (d) Approved as meeting all building and safety requirements.

PROPOSED NEW SECTION

WAC 388-877-0345 Agency licensure and certification--Adding a new service. To add a new service, a licensed or certified behavioral health agency must request and submit an abbreviated application that is signed by the agency's designated official. The application must include the following:

- (1) The name of the administrator providing management or supervision of services;
- (2) The physical address of the agency-operated facility where the new service will be provided;
- (3) A description of the agency's policies and procedures relating to the new service;
- (4) The name and credentials of each staff member providing the new service; and
- (5) Payment of fees (see WAC 388-877-0365).

PROPOSED NEW SECTION

WAC 388-877-0350 Agency licensure and certification--Change in ownership. When a licensed or certified behavioral health agency changes ownership, the department requires:

- (1) A new license or certification application (see WAC 388-877-0305); and
- (2) Payment of fees (see WAC 388-877-0365).

PROPOSED NEW SECTION

WAC 388-877-0355 Agency licensure and certification--Change in location. When a licensed or certified behavioral health agency relocates to another address, the department requires:

- (1) The agency to notify the department in writing of the new address at least thirty days before moving;
- (2) A new license or certification application (see WAC 388-877-0305); and
- (3) Payment of fees (see WAC 388-877-0365).

PROPOSED NEW SECTION

WAC 388-877-0360 Agency licensure and certification--Facility remodel. When a licensed or certified behavioral health agency changes the accessibility of the facility by remodeling, the department requires the agency:

- (1) To notify the department in writing of the facility remodel at least thirty days before the day the remodeling begins; and
- (2) To ensure the facility's remodel meets all city and county codes, and state accessibility requirements.

PROPOSED NEW SECTION

WAC 388-877-0365 Agency licensure and certification--Fee requirements. (1) Payment of licensing and certification fees required under this chapter must be included with the initial application, renewal application, or with requests for other services.

(2) Payment of fees must be made by check, bank draft, electronic transfer, or money order made payable to the department.

(3) Fees will not be refunded when licensure or certification is denied, revoked, or suspended.

(4) Specific fee requirements for behavioral health services programs are identified in WAC 388-805-085 for chemical dependency, WAC 388-865-0103 for mental health, and chapter 388-816 WAC for problem and pathological gambling.

PROPOSED NEW SECTION

WAC 388-877-0370 Agency licensure and certification--Appealing a department decision. (1) To appeal a decision made by the department regarding licensure or certification, an agency must file a written request for a hearing:

- (a) Signed by the agency's administrator.
- (b) Within twenty-eight days of the date of the department's written decision.
- (c) To the Board of Appeals, P.O. Box 2465, Olympia, WA 98504, with a method that shows proof of receipt.

(d) That includes all of the following:
(i) A copy of the department's decision that is being contested.
(ii) The agency's reason for contesting the decision.
(iii) The specific rules, laws, and policy the agency believes are being violated by the department.

(2) A decision will be made following the requirements of the Administrative Procedure Act, chapter 34.05 RCW, and chapter 388-02 WAC.

(3) The department may order a summary suspension of the agency's license or certification pending completion of the appeal process when the preservation of public health, safety, or welfare requires emergency action.

SECTION FOUR—BEHAVIORAL HEALTH SERVICES—AGENCY ADMINISTRATOR

PROPOSED NEW SECTION

WAC 388-877-0400 Agency administration--Governing body requirements.

An agency's governing body is responsible for the conduct and quality of the behavioral health services provided. The agency's governing body must:

(1) Assure there is an administrator responsible for the day-to-day operation of services.

(2) Maintain a current job description for the administrator, including the administrator's authority and duties.

(3) Approve the mission statement for the services provided.

(4) Notify the department within thirty days of changes of the administrator.

PROPOSED NEW SECTION

WAC 388-877-0410 Agency administration--Administrator key responsibilities.

(1) The agency administrator is responsible for the day-to-day operation of the agency's licensed or certified behavioral health treatment service, including:

(a) All administrative matters;

(b) Individual care services; and

(c) Meeting all applicable rules, policies, and ethical standards.

(2) The administrator must:

(a) Delegate to a staff person the duty and responsibility to act in the administrator's behalf when the administrator is not on duty or on call.

(b) Ensure administrative, personnel, and clinical policies and procedures are adhered to and kept current to be in compliance with the rules in this chapter, as applicable.

(c) Employ sufficient qualified personnel to provide adequate treatment services, facility security, the safety of each individual and other identified needs of individuals receiving services.

(d) Ensure all persons providing clinical services are credentialed for their scope of practice as required by the department of health.

(e) Identify at least one person to be responsible for clinical supervision duties.

(f) Ensure that there is an up-to-date personnel file for each employee, trainee, student, volunteer, and for each contracted staff person who provides or supervises an individual's care.

PROPOSED NEW SECTION

WAC 388-877-0420 Agency administration--Policies and procedures. Each agency licensed or certified by the department to provide any behavioral health service must develop, implement, and maintain administrative policies and procedures to meet the minimum requirements of this chapter. The policies and procedures must demonstrate the following, as applicable:

(1) **Ownership.** Documentation of the agency's governing body, including a description of membership and authorities, and documentation of the agency's:

(a) Articles and certificate of incorporation and bylaws if the owner is a corporation;

(b) Partnership agreement if the owner is a partnership; or

(c) Sole proprietorship if one person is the owner.

(2) **Licensure or certification.** A copy of the current master business license issued by the department of licensing that:

(a) Includes the entity's name, firm name, or registered trade name; and

(b) Lists all addresses where the entity performs services.

(3) **Organizational description.** An organizational description detailing all positions and associated licensure or certification, updated as needed.

(4) **Agency staffing and supervision.** Documentation that shows the agency has staff members:

(a) Adequate in number to provide licensed or certified services to serve the agency's caseload of individuals; and

(b) Who provide treatment in accordance to regulations relevant to their specialty or specialties and registration, certification, licensing, and trainee or volunteer status.

(5) **Interpreter services for individuals with Limited English Proficiency (LEP).** Documentation that demonstrates the agency's ability to provide or coordinate services for individuals with LEP.

(a) Certified interpreters or other interpreter services must be available for individuals with limited English speaking proficiency if required by agency certification or licensure or certification; or

(b) The agency must have the ability to effectively provide, coordinate or refer individuals in these populations for appropriate assessment or treatment.

(6) **Reasonable access for individuals with disabilities.** A description of how reasonable accommodations will be provided to individuals with disabilities.

(7) **Fee schedules.** A copy of the agency's current fee schedules for all services must be available on request.

(8) **Funding options for treatment costs.** A description of how the agency works with individuals to address the funding of an individual's treatment costs, including a mechanism to address changes in the individual's ability to pay.

(9) **State and federal rules on confidentiality.** A description of how the agency implements state and federal rules on individuals' confidentiality consistent with the service or services being provided.

(10) **Reporting of suspected abuse or neglect.** A description how the agency directs staff to report suspected abuse or neglect of a child or vulnerable adult.

(11) **Protection of youth.** Documentation of how the agency addresses the protection of youth participating in group or residential treatment with adults.

(12) **Reporting the death of an individual seeking or receiving services.** A description of how the agency directs staff to report to the department within one business day the death of any individual which occurs on the premises of a licensed or certified agency.

(13) **Reporting critical incidents involving individuals.** A description of how the agency directs staff to report to the department within two business days any critical incident that occurs involving an individual, and actions taken as a result of the incident.

(14) **A smoking policy.** Documentation that a smoking policy consistent with the Washington Clean Indoor Air Act, Chapter 70.160 RCW, is in place.

(15) **Outpatient evacuation plan.** For a nonresidential agency, an evacuation plan for use in the event of a disaster or emergency that addresses:

- (a) Different types of disasters or emergencies;
- (b) Placement of posters showing routes of exit;
- (c) The need to mention evacuation routes at public meetings;
- (d) Communication methods for individuals, staff, and visitors, including persons with a visual or hearing impairment or limitation;
- (e) Evacuation of mobility impaired individuals; and
- (f) Evacuation of children if child care is offered.

(17) **Individual rights.** A description of how the agency has individual participation rights and policies consistent with WAC 388-877-0600.

(18) **Individual complaints.** A description of how the agency addresses an individual's complaint.

PROPOSED NEW SECTION

WAC 388-877-0430 Agency administration--Treatment facility requirements. Each agency licensed or certified by the department to provide behavioral health service must ensure that its treatment facility:

- (1) Is accessible to an individual with a disability.
- (2) Has a reception area separate from living and therapy areas.
- (3) Has adequate private space for personal consultation with an individual, staff charting, and therapeutic and social activities, as appropriate.
- (4) Has secure storage of an individual's active or closed confidential record.

SECTION FIVE—BEHAVIORAL HEALTH SERVICES—PERSONNEL

PROPOSED NEW SECTION

WAC 388-877-0500 Personnel—Agency policies and procedures. Each agency licensed or certified by the department to provide any behavioral health service must develop, implement, and maintain personnel policies and procedures. The policies and procedures must meet the minimum requirements of this chapter and include the following, as applicable:

- (1) **Hiring practices.** Identification of how the agency ensures all persons providing or supervising clinical services have an active registration, certification, or license granted by the department of health consistent with the services provided.

(2) **Background checks.** Identification of how the agency conducts criminal background checks on its employees in order to comply with the rules in RCW 43.43.830 through 43.43.842.

(3) **Drug free workplace.** Identification of how the agency provides for a drug free work place that includes:

(a) A philosophy of no tolerance of illegal drug-related activity;

(b) Agency program standards of prohibited conduct; and

(c) Actions to be taken in the event a staff member misuses alcohol or other drugs.

(4) **Supervision.** Identification of how supervision is provided to assist program staff and volunteers to increase their skills, and improve quality of services to individuals and families.

(5) **Annual staff training.** A description of how the agency provides annual training consistent with the agency's certified or licensed services.

PROPOSED NEW SECTION

WAC 388-877-0510 Personnel—Agency record requirements. Each agency licensed or certified by the department to provide any behavioral health service must maintain a personnel record for each person employed by the agency.

(1) The personnel record must contain the following:

(a) Documentation of annual training.

(b) A signed and dated commitment to maintain patient (individual) confidentiality in accordance with state and federal confidentiality requirements.

(c) A record of an orientation to the agency that includes:

(i) An overview of the administrative, personnel and clinical policies and procedures;

(ii) Staff ethical standards and conduct, including reporting of unprofessional conduct to appropriate authorities;

(iii) The resolution of client complaints; and

(iv) The facility evacuation plan.

(d) A copy of the staff member's valid current credential issued by the department of health for their scope of practice.

(e) For noncontract staff, a copy of a current job description, signed and dated by the employee and supervisor which includes:

(i) A job title;

(ii) Minimum qualifications for the position; and

(iii) A summary of duties and responsibilities.

(f) For contract staff, formal agreements or personnel contracts, which describe the nature and extent of patient care services, may be substituted for job descriptions.

(g) Written performance evaluations conducted by the immediate supervisor or designee.

(2) Staff members who have received services from the agency must have personnel records that:

(a) Are separate from clinical records; and

(b) Have no indication of current or previous service recipient status.

PROPOSED NEW SECTION

WAC 388-877-0520 Personnel—Agency requirements for supervision of trainees and interns. Each agency licensed or certified by the department to provide any behavioral health service must ensure the following supervision requirements are met for trainees and interns:

- (1) Each trainee and intern who receives training at an agency must be assigned a supervisor who has been approved by the agency administrator or designee.
- (2) The assigned supervisor:
 - (a) Must be credentialed by the department of health for their scope of practice;
 - (b) Is responsible for all individuals assigned to the trainee or intern they supervise; and
 - (c) Must review clinical documentation with the trainee or intern as part of the supervision process.

PROPOSED NEW SECTION

WAC 388-877-0530 Personnel—Agency requirements for volunteers and student practicum. Each agency licensed or certified by the department to provide any behavioral health service is responsible to provide orientation to any volunteer or student assisting the agency. In addition, the agency must ensure and document that:

- (1) Each volunteer meets the qualifications of the position they are assigned.
- (2) Each student who uses the agency as a setting for student practicum is supported by an educational institution.
 - (a) The agency and the educational institution must have a written agreement that describes:
 - (i) The nature and scope of student activity at the treatment setting; and
 - (ii) The plan for supervision of student activities.
 - (b) The agency must obtain and retain a confidentiality statement signed by the student and the student's academic supervisor.

SECTION SIX—BEHAVIORAL HEALTH SERVICES—CLINICAL

PROPOSED NEW SECTION

WAC 388-877-0600 Clinical--Individual rights. (1) Each agency licensed or certified by the department to provide any behavioral health service must develop a statement of individual participant rights that incorporates at a minimum the following statements. "You have the right to:

- (a) Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age or disability;
- (b) Practice the religion of choice as long as the practice does not infringe on the rights and treatment of others or the treatment service. Individual participants have the right to refuse participation in any religious practice;
- (c) Be reasonably accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency, and cultural differences;
- (d) Be treated with respect, dignity and privacy, except that staff may conduct reasonable searches to detect and prevent possession or use of contraband on the premises;
- (e) Be free of any exploitation or harassment;

(f) Have all clinical and personal information treated in accord with state and federal confidentiality regulations;

(g) Review your clinical record in the presence of the administrator or designee and be given an opportunity to request amendments or corrections; and

(h) Receive a copy of agency complaint procedures upon request and to lodge a complaint with the provider if you believe your rights have been violated.

(2) An individual seeking or participating in services, or the person legally responsible for the individual, must be informed of their rights at time of admission and in a manner that is understandable to the individual or legally responsible person.

(3) Individual participant rights must be:

(a) Available in alternative formats for individuals who are blind;

(b) Translated to the most commonly used languages in the agency's service area;

(c) Posted in public areas; and

(d) Available to any participant upon request.

PROPOSED NEW SECTION

WAC 388-877-0610 Clinical--Initial assessment. Each agency licensed or certified by the department to provide any behavioral health service is responsible for an individual's initial assessment.

(1) The initial assessment must be:

(a) Conducted face-to-face; and

(b) Completed by a professional appropriately credentialed to provide chemical dependency, mental health, and/or problem and pathological gambling services as determined by state law.

(2) The initial assessment must include and document:

(a) Individual identifying information;

(b) Presenting issues;

(c) Name of the individual's medical provider(s);

(d) Medical concerns;

(e) Medications currently taken;

(f) Brief mental health, substance use, and problem and pathological gambling histories;

(g) Risk and safety assessment;

(h) That the individual was asked if they are court ordered to treatment and/or under department of corrections supervision;

(i) Diagnosis, including justifications; and

(j) Treatment recommendations.

PROPOSED NEW SECTION

WAC 388-877-0620 Clinical--Individual service plan. Each agency licensed or certified by the department to provide any behavioral health service is responsible for an individual's service plan as follows:

(1) The individual service plan must:

(a) Be completed or approved by a professional appropriately credentialed to provide mental health, chemical dependency, and/or problem and pathological gambling services as determined by state law;

(b) Demonstrate the individual's participation in the development of the plan by inclusion of the individual's signature, quotes documented in the plan, or both;

(c) Address identified needs of the individual;

(d) Be strength-based;

(e) Contain measurable goals or objectives, or both; and

(f) Be updated to address applicable changes in identified needs and achievement of goals and objectives.

(2) When required by law, the agency must notify the required authority of a violation of a court order or nonparticipation in treatment, or both.

PROPOSED NEW SECTION

WAC 388-877-0630 Clinical--Individual record. Each agency licensed or certified by the department to provide any behavioral health service must:

(1) Maintain a comprehensive clinical record that includes policies and procedures that protects an individual's personal health information; and

(2) Ensure that the individual's personal health information is shared or released only in compliance with applicable state and federal law.

PROPOSED NEW SECTION

WAC 388-877-0640 Clinical--Record content. Each agency licensed or certified by the department to provide any behavioral health services is responsible for an individual's clinical record content. The clinical record must include:

(1) Demographic information.

(2) An initial assessment.

(3) Documentation of the individual's response when asked if:

(a) The individual is under department of corrections (DOC) supervision.

(b) The individual is under civil or criminal court ordered mental health or chemical dependency treatment.

(c) There is a court order exempting the individual participant from reporting requirements. A copy of the court order must be included in the record if the participant claims exemption from reporting requirements.

(4) Documentation the individual was informed of applicable federal and state confidentiality requirements.

(5) If treatment is not court ordered, documentation of informed consent to treatment by the individual or individual's parent, or other legal representative.

(6) If treatment is court ordered, a copy of the detention or involuntary treatment order.

(7) Initial and updated individual service plans consistent with the service(s) the individual receives.

(8) Documentation of coordination of care, as needed.

(9) Documentation of all service encounters.

(10) Medication records, if applicable.

(11) Laboratory reports, if applicable.

(12) Properly completed authorizations for release of information, if applicable.

(13) Copies of applicable correspondence.

(14) Discharge information.

DRAFT